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Heidi Percy  
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Case Number: 23-2-08769-31

IN THE SUPERIOR COURT OF WASHINGTON  
COUNTY OF SNOHOMISH

23-2-08769-31

BRIAN SANCHEZ,	)	Case No.
	)	
Plaintiff,	)	COMPLAINT FOR DAMAGES
	)	
vs.	)	
	)	
STATE OF WASHINGTON, WASHINGTON	)	
STATE DEPARTMENT OF CORRECTIONS,	)	
OSCAR G. GOMEZ, AREIG AWAD,	)	
VALERIE M. WEER, AIDEN TRO,	)	
JONATHAN D. STITZ, BO L. SMOKOSKA,	)	
SUSAN P. COLLINS and DOES I-X inclusive	)	
	)	
Defendants.	)	

COMES NOW Plaintiff Brian Sanchez by and through the undersigned attorney, and for the causes of action against the above-named Defendants, alleges and avers as follows:

**I. INTRODUCTION**

1. Brian Sanchez was an inmate that was housed at the Twin Rivers Unit (TRU) of the Monroe Correctional Complex at all times relevant to the claims in this lawsuit. He was assaulted and deprived of his constitutional rights and his serious medical and dental needs were ignored by defendants.

2. As a result of defendants deliberate indifference and negligence, plaintiff has suffered great pain and deprivation of his civil, statutory, and constitutional rights, physical injury as well as mental and emotional distress.

## II. VENUE

3. At all times relevant to the unlawful acts and practices alleged herein, Sanchez was housed as an inmate at the Monroe Correctional Complex in Snohomish County. Thus, the Snohomish County Superior Courthouse is the appropriate forum for this matter.

### III. PARTIES

4. Plaintiff Brian Sanchez is an adult male who was previously incarcerated at the Twin Rivers Unit (TRU) of the Monroe Correctional Complex (“MCC”) in Monroe, Washington.

5. Defendant State of Washington was at all times mentioned herein the public entity that owns and operates the Washington State Department of Corrections.

6. Defendant Washington State Department of Corrections (“DOC”) is an agency of the State of Washington and is a public entity that has at all times mentioned herein had complete control over plaintiff because he was housed in its prison system.

7. Defendant Oscar G. Gomez is now, and at all times relevant to this complaint, was a Corrections and Custody Officer at the Washington Department of Corrections and at all times herein mentioned was acting under the color of law and was an agent or employee of the of Washington State Department of Corrections.

1           8. Defendant Dr. Areig Awad was at all times relevant to this complaint, was the  
2 Facility Medical Director for the Monroe Correctional Complex and responsible for the  
3 administration of all medical and dental care at the institution. At all times herein mentioned, Dr.  
4 Areig Awad was acting under the color of law and was an agent or employee of the of Washington  
5 State Department of Corrections.

6           9. Defendant Dr. Valerie M. Weber is now, and at all times relevant to this complaint,  
7 was a dentist licensed to practice in Washington and an employee or agent at the Washington  
8 Department of Corrections and at all times herein mentioned was acting under the color of law and  
9 was an agent or employee of the of Washington State Department of Corrections.

10          10. Defendant Aiden Tro is now, and at all times relevant to this complaint, was a  
11 dentist licensed to practice in Washington and an employee or agent at the Washington Department  
12 of Corrections and at all times herein mentioned was acting under the color of law and was an  
13 agent or employee of the of Washington State Department of Corrections.

14          11. Defendant Jonathan D. Stitz is now, and at all times relevant to this complaint, was  
15 a Corrections and Custody Officer at the Washington Department of Corrections and at all times  
16 herein mentioned was acting under the color of law and was an agent or employee of the of  
17 Washington State Department of Corrections.

18          12. Defendant Bo L. Smokoska is now, and at all times relevant to this complaint, was  
19 a Correction Officer at the Washington Department of Corrections and at all times herein  
20 mentioned was acting under the color of law and was an agent or employee of the of Washington  
21 State Department of Corrections.

22          13. Defendant Susan Collins is now, and at all times relevant to this complaint, was a  
23 Correction Unit Supervisor (CUS) at the Washington Department of Corrections and at all times

1 herein mentioned was acting under the color of law and was an agent or employee of the of  
2 Washington State Department of Corrections.

3 14. Defendants Does I through X now, and at all times relevant to this complaint, were  
4 employees of the Washington Department of Corrections to be identified through the discovery  
5 process.

6 15. Each defendant is, and at all times herein mentioned was acting under the color of  
7 law and was an agent of Washington State Department of Corrections and acting within the course  
8 and scope of that agency in causing the harm as herein alleged.

9 **IV. ADMINISTRATIVE PROCEEDINGS**

10 16. Sanchez filed a tort claim on September 20, 2023. A response was received on  
11 September 22, 2023.

12 **V. STATEMENT OF FACTS**

13 17. On November 1, 2021, Brian Sanchez was removed from his cell in the Twin Rivers  
14 Unit (TRU) in Monroe Correctional Complex by correction officers Gomez, Smokoska, and Stitz  
15 who claimed that they were under the assumption that Mr. Sanchez had used drugs.

16 18. Mr. Sanchez was then assaulted by correction officers and slammed to the ground,  
17 which led to the onset of a seizure.

18 19. Mr. Sanchez was then administered Ativan, a sedative used to treat seizure  
19 disorders such as epilepsy.

20 20. The administration of Ativan caused Mr. Sanchez to gain consciousness after his  
21 seizure. Upon gaining consciousness, Sanchez became aware of pain in his right hand and in his  
22 teeth, which had been broken when he was slammed to the ground.

1           21.     In the months following this incident, Mr. Sanchez has not received adequate  
2 treatment for his injuries.

3           22.     Brian Sanchez has a family history of seizures. Both Mr. Sanchez's father and  
4 nephew suffer from the same condition and the cause of these seizures is unknown to the doctors  
5 who have attempted to treat them.

6           23.     After being removed from the hospital, Mr. Sanchez was placed in the IMU pending  
7 an investigation for the possession of drugs.

8           24.     On November 3, 2021, Mr. Sanchez filed a grievance regarding the holding policies  
9 and procedures. At the time, Sanchez was enrolled in Edmonds Community College Computer  
10 Programming and being placed in the IMU was impeding Mr. Sanchez's ability to continue with  
11 his education.

12           25.     On November 4, 2021, Mr. Sanchez received x-rays for his upper right back,  
13 bilateral wrist, and hand. These x-rays revealed no abnormalities.

14           26.     On November 11, 2021, Mr. Sanchez filed a Health Services Kite (HSK) explaining  
15 that while he was aware of the lack of fractures in his arm, he was still experiencing numbness in  
16 his hand two weeks after the initial incident.

17           27.     On November 15, 2021, Sanchez filed another Health Services Kite explaining that  
18 the mold for one of his teeth had come off in the past week, causing him to be in a significant  
19 amount of pain. This pain could be felt in his ear, face, and head and was making it difficult for  
20 him to sleep. The response from Health Services only instructed Mr. Sanchez that he was to be  
21 scheduled and to watch for callout.

22           28.     On November 19, 2021, Mr. Sanchez submitted a HSK stating that he would like  
23 to go back on his anxiety medication as he had been experiencing high levels of anxiety and

1 paranoia. Sanchez expressed the urgent need to talk to someone as he did not feel his normal self.  
2 Health Services did not respond to this kite until February 25, 2022.

3 29. Shortly after the initial incident, Mr. Sanchez submitted a resolution request  
4 explaining that after his seizure on November 1, 2021, he did not receive appropriate medical care.

5 30. On November 25, 2021, Mr. Sanchez filed a kite inquiring as to why there had been  
6 no developments with his initial request.

7 31. On November 26, 2021, Sanchez filed a HSK explaining that he was still  
8 experiencing a loss of sensation in his hand and teeth but has not heard anything from the medical  
9 department. Sanchez expresses a need for help and medical care as soon as possible.

10 32. Further, on December 13, 2021, Mr. Sanchez filed an additional resolution request  
11 concerning his lack of medical treatment following his seizure on November 1, 2021. The  
12 specialist response asked for further clarity on the type of medical care that was needed and what  
13 was specifically not provided.

14 33. On December 19, 2021, Sanchez submitted a HSK stating that his right hand is still  
15 without feeling and it has been like that since November 1, 2021. He expressed confusion about  
16 why he had not yet seen a neurologist as he was told there was going to be an appointment  
17 scheduled. Health Services responded, stating that there is an appointment for Mr. Sanchez to see  
18 a neurologist but unknown exactly when Sanchez would be scheduled.

19 34. On December 27, 2021, Mr. Sanchez submitted a HSK detailing that his teeth have  
20 been hurting for more than 2 months and he has not been seen by dental. His molds had previously  
21 come off, leaving the root and nerve exposed and making it extremely painful to eat or drink.  
22 Sanchez explains he has put in multiple kites surrounding this issue and has not been seen by a  
23 medical provider.

1           35.     On January 4, 2022, Mr. Sanchez filed another resolution request for an ongoing  
2 incident. Sanchez once again expressed that he had not received adequate medical treatment and  
3 was actively suffering from a lack of feeling in his right hand.

4           36.     On January 12, 2022, Mr. Sanchez was seen for an additional x-ray meant to  
5 evaluate numbness in his right fingertips and palm of his hand. The impression of the radiologist  
6 was there that the hand was within normal limits and there were no significant abnormalities.

7           37.     On January 17, 2022, Mr. Sanchez filed a kite stating that his hand is still numb and  
8 has been so for 3 months. At this point, Sanchez has received two x-rays and has not been issued  
9 a diagnosis. He explains the pain is causing him significant emotional distress and believes that  
10 the injury comes from when the CO's cuffed him too tight.

11           38.     On March 4, 2022, Sanchez was examined by Dr. Valerie Weber as a result of his  
12 declaring a dental emergency because his front teeth hurt, and he had pain up to her nose and under  
13 his eye. He was prescribed Ibuprofen and Tylenol

14           39.     On March 27, 2022, Sanchez filed an emergency HSK explaining that he is in  
15 severe pain and got a root canal on two of his teeth without receiving any pain medication other  
16 than Ibuprofen and Tylenol.

17           40.     On March 30, 2022, Sanchez was seen by Dr. Aiden Tro, DDS for ongoing pain in  
18 his face. Dr. Tro wrote operative site healing slower than expected and told him to continue the  
19 Ibuprofen and Tylenol.

20           41.     On April 18, 2022, Sanchez reported to Physical Therapy complaining that 3  
21 fingers on his right felt numb. He had intermittent forearm pain which occasionally traveled to his  
22 shoulder. Wrist pain worsened if he did push-ups. He was given lifting restrictions and exercises  
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1 to do, and he was told he has possible carpal syndrome and scheduled a follow up appointment in  
2 one month which did not occur.

3 42. As of October 3, 2022, Mr. Sanchez has not had his teeth assessed and he was in a  
4 significant amount of pain.

5 43. As a result of his interaction with the corrections officers on November 1, 2021,  
6 Mr. Sanchez began to see a mental health counselor within the DOC, Dr. Gomes, once a month,  
7 spanning from February to October 2022. Within this time period, Dr. Gomes diagnosed Mr.  
8 Sanchez with PTSD, depression, and anxiety disorders. Mr. Sanchez, as a result of these diagnoses,  
9 was prescribed Abilify and Trazodone.

10 44. The delays in Mr. Sanchez' care by the Department of Corrections have caused  
11 substantial and unnecessary suffering as it relates to his mental health, dental care, and the  
12 treatment of his right hand, which continues to experience bouts of numbness.

13 **VI. FIRST CAUSE OF ACTION**

14 **(Assault and Battery and Intentional Infliction of Emotional Distress)**

15 45. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 44  
16 with the same force and effect as if such paragraphs were separately realleged in this First Cause  
17 of Action.

18 46. The conduct of defendants Gomez, Smokoska and Stitz, which included usage of  
19 excessive physical force, was intentional, extreme and outrageous and done for the purpose of  
20 causing plaintiff to suffer pain and severe emotional distress.

21 47. As a direct and proximate result of defendants' intentional conduct, plaintiff  
22 sustained economic and non-economic damages, including, without limitation, mental suffering,  
23



1 emotional distress, emotional trauma, physical pain and suffering, and other mental pain and  
2 suffering; and other damages, which will be proven at trial.

3 **VII. SECOND CAUSE OF ACTION**

4 **(Negligence—Against All Defendants)**

5 48. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 47  
6 with the same force and effect as if such paragraphs were separately realleged in this Second Cause  
7 of Action.

8 49. At all times defendants owed Sanchez, as well as all of its inmates, a non-delegable  
9 duty of care to provide for his health and welfare while being housed in its prisons and to provide  
10 timely and appropriate care, safety, along with dental and medical treatment to him while he was  
11 in custody. They failed to do so and allowed Sanchez to become injured.

12 50. The Washington Department of Corrections was at all times charged with the care  
13 of plaintiff's medical and dental needs. It therefore had a non-delegable duty to provide plaintiff  
14 with adequate dental and medical care. It along with the other named defendants breached its duty  
15 of care to plaintiff by failing to adequately treat his dental and medical needs or to provide him  
16 with treatment, resulting in prolonged numbness in his right hand and severe tooth pain. The  
17 defendants acted in conscious disregard of the risks of harm to Sanchez which proximately caused  
18 the aggravation of his injuries and led to loss of sleep and the inability to eat.

19 51. As a direct and proximate result of defendants' negligent conduct, Sanchez  
20 sustained economic and non-economic damages, including, without limitation, mental suffering,  
21 emotional distress, emotional trauma, physical pain and suffering, and other damages in an amount  
22 which will be proven at trial.

**VIII. THIRD CAUSE OF ACTION**

**(Medical Negligence—Against Weber, Tro and Areig Awad)**

52. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 51 with the same force and effect as if such paragraphs were separately realleged in this Third Cause of Action.

53. Defendants failed to provide adequate treatment or pain medication to Sanchez following his root canal treatment and failed to coordinate the necessary steps for plaintiff to be seen in a timely manner for his severe tooth pain and numbness in his right hand as a result of the force used on him by correctional staff defendants. The Department of Corrections was the only entity capable of coordinating plaintiff's care because plaintiff is incarcerated in their facilities and fully under their control.

54. Due to unreasonable delays in care caused by the Department of Corrections, the plaintiff's right hand and wrist were in constant pain. The general treatment of plaintiff caused his pain to worsen, which impacted his ability to eat, sleep, and talk. Accordingly, the plaintiff is entitled to damages in an amount to be proven at trial.

**IX. FOURTH CAUSE OF ACTION**

**(42 U.S.C. § 1983--Eighth Amendment—Deliberate Indifference to Serious Medical Condition Against Valerie Weber, Aiden Tro and Areig Awad)**

55. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 54 with the same force and effect as if such paragraphs were separately realleged in this Fourth Cause of Action.



- 1 A. For general and special compensatory damages and against all defendants according to  
2 proof at trial;
- 3 B. For a jury trial on all issues triable by jury;
- 4 C. For reasonable attorney fees according to law or statute;
- 5 D. For costs of suit incurred herein; and
- 6 E. For such other and further relief as the Court may deem just.

7 DATED: November 28, 2023, at Seattle, Washington.

8 CIVIL RIGHTS JUSTICE CENTER, PLLC

9 /s/ Darryl Parker

10 Darryl Parker, WSBA #30770

11 Attorney for Plaintiff

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